

Application No.: 09/830,992  
Amendment Date: January 14, 2010  
Reply to Office Action of August 21, 2009

### **REMARKS**

#### **Status of the claims**

Claims 1-10, 14, 16-22, 24, and 26 are currently pending, and claims 11-13, 15, 23, 25, and 27-38 have been cancelled without prejudice. Applicants reserve the right to prosecute the cancelled claims in one or more continuing applications.

#### **Double patenting**

The Office has lodged a nonstatutory obviousness-type double patenting rejection against claims 1-6, 8-10, 14, 16-24 and 26 in view of claims 1, 2, and 7-22 of U.S. Patent No. 6,696,437. Applicants submit a terminal disclaimer. Accordingly, Applicants request that this ground of rejection be withdrawn.

The Office has lodged a provisional nonstatutory obviousness-type double patenting rejection against claims 1, 4-6, and 9 in view of claim 10 of U.S. Patent Application No. 11/536,994. Applicants respectfully request that this rejection be withdrawn and that this earlier-filed application be allowed to issue without a terminal disclaimer. M.P.E.P. §804.

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### **Conclusion**

In view of the aforementioned remarks, Applicants respectfully believe that the application is in condition for allowance and respectfully requests that the Examiner withdraw all outstanding rejections and passes this application to allowance.

Should the examiner have any concerns regarding the above, please contact the undersigned at the telephone number list below. Finally, the commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment has not been tendered, as well as underpayment, including extension of time, to Deposit Account No. 01-0025.

**23492**

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Respectfully submitted,  
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